

## SENATE BILL NO. 192

INTRODUCED BY J. ESSMANN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF CRIMINAL INVASION OF PERSONAL PRIVACY ~~AND THE CRIMINAL OFFENSE OF UNLAWFUL ELECTRONIC MONITORING OF A PERSON'S LOCATION.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Criminal invasion of personal privacy.** ~~A~~ (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A person commits the offense of invasion of personal privacy if the person knowingly OR PURPOSELY obtains or attempts to obtain personal or confidential information about an individual while posing as the individual. A person convicted under this section shall be incarcerated for a term not to exceed ~~5 years~~ 1 YEAR or fined an amount not to exceed ~~\$50,000~~ \$10,000, or both.

(2) SUBSECTION (1) DOES NOT APPLY TO A PERSON WHO POSES AS ANOTHER INDIVIDUAL WITH THE EXPRESS CONSENT OF THAT OTHER INDIVIDUAL.

~~NEW SECTION. Section 2. Unlawful electronic monitoring of person's location.~~ ~~(1) Subject to subsection (2), a person commits the offense of unlawful electronic monitoring of another person's location if the person obtains, keeps, or sells or otherwise transfers to someone else information about the location of another person that is electronically obtained by monitoring a cell, satellite, or other phone or any other electronic device used by the other person.~~

~~(2) Subsection (1) does not apply to:~~

~~(a) a parent or guardian monitoring a minor child of the parent or guardian;~~

~~(b) an employer monitoring the location of business equipment used by an employee;~~

~~(c) an individual required to be monitored pursuant to a criminal sentence, an order of the court, or a condition of probation or parole; or~~

~~(d) an adult child of a parent or the guardian of an adult ward monitoring a parent or ward who has been medically diagnosed with dementia.~~

~~(3) A person convicted under this section shall be incarcerated for a term of not less than 1 year or more~~

1 ~~than 5 years or fined an amount not to exceed \$250,000, or both.~~

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3 NEW SECTION. Section 2. Codification instruction. [~~Sections SECTION 1 and 2~~] are ~~is~~ intended to

4 be codified as an integral part of Title 45, and the provisions of Title 45 apply to [~~sections SECTION 1 and 2~~].

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